

REMARKS:

This communication is in response to the office action mailed June 13, 2003 (paper 19). Claims 1-33 are pending in this application, of which claims 1-25 have previously been considered, claims 1-3, 5, 8, 9, 14-18, and 20 are presently amended, and claims 26-33 are new.

Regarding Claim 1:

Claim 1 was rejected by the examiner under 35 USC § 102(e) as being anticipated by Gever et al., U.S. Pat. No. 6,313,835 B1.

Claim 1 is presently amended by adding the word “first” before several instances of the phrase “marketing object container.” This amendment is to distinguish this marketing object container from a second marketing object container introduced in a new dependent claim. Dependent Claims 2, 3, 5, 8, 9, 14-18, and 20 are amended to conform with the amendment of Claim 1.

As amended, Claim 1 includes the limitations “associating a marketing attribute with the first marketing object container.” It is the Applicants’ position that this part of the claim includes at least two limitations not found in Gever. First, the “marketing attribute,” and second, “associating this marketing attribute with the marketing object container.”

In the office action the Examiner directs the Applicant to col. 2, lines 10-20 of Gever which states that a “user is able to change at least some of the attributes of the selected animation sequence, such as colors, borders, sounds, embedded picture...”

However, the Applicants respectfully point out that these attributes of the selected animation sequence are not equivalent to the *marketing* attributes of the claimed

invention. As disclosed on page 16 of the application as filed, examples of *marketing* attributes include: marketing campaigns and features in merchandising marketing, scheduling of objects to be displayed, behavior-driven targeting of marketing material to a user, and profile-driven targeting of the marketing material to a user. Further, the specification provides examples of functions of the claimed marketing attributes. These functions include describing what marketing objects can be received by the marketing object container, describing the relationship of a particular marketing object container to other marketing object containers, and/or describing the timing and priority of the display of marketing objects (page 15). Both these examples of marketing attributes and these examples of their functions serve to help define the “marketing attribute[s]” as used in the claims and distinguish these attributes from other attributes, as may be found in the prior art. It is the Applicants’ position that the marketing attributes are significantly distinguished from the “colors, borders, sounds, [and] embedded pictures” cited by the Examiner. In fact, the cited attributes neither fit generally within the examples of marketing attributes as provided nor do they provide the functionality of marketing attributes as taught by the specification. Since the cited “attributes of the selected animation sequence” include neither the form or function of the claimed marketing attributes, the Applicants respectfully request that the Examiner provide specific support for the position that they are equivalent to the claimed marketing attributes, or withdraw the rejection.

In addition, Gever does not teach “*associating* a marketing attribute with the first marketing object container” as specified in claim 1. In the most recent office action, the Examiner states “associating a marketing attribute with the marketing object container

(‘user assigns conditional values or attributes of the animation sequence’ – column 2, lines 26-35...,” (paper 19, page 3, 2nd paragraph). Firstly, the Applicants respectfully point out that the Examiner misquotes Gever. The cited text of Gever actually states, “the user assigns conditional values **to** the attributes of the animation sequence.” This error is significant in determining the actual teachings of Gever. Specifically, in the incorrect language used by the Examiner it appears that the “user assigns ... attributes of the animation sequence.” This is false. Gever teaches assignment of conditional values **to** attributes but does **not** teach assignment of attributes, themselves. Secondly, the assignment is not to a marketing object container as specified in Claim 1. In fact, the assignment is made *to* the attributes of the animation sequence. Thus, in the correct citation, both the thing being assigned and the target of the assignment are distinctly different from the limitations of Claim 1. The Applicants, therefore request that the rejection be withdrawn.

On page 15 of the current office action, the Examiner responds to arguments previously made by the Applicants. Specifically, Applicants are directed to items 56 and 60 of Gever for examples of a “marketing ‘text’, [and] marketing ‘picture’.” It is the Examiner’s position that these elements are teachings of the marketing attributes of the current invention. The Applicants respectfully point out that, contrary to this position, in the terminology of the specification as filed, these elements (a displayed image and text) would be considered “marketing objects,” to be placed in a marketing object container. See, for example, the last line of page 15 of the specification as filed, which states “[a] marketing object is any offering that can be presented in a marketing object container. Examples of marketing objects include products offered for sale or rent, offered services,

and property for sale or rent.” These are things that are placed within a marketing container. In distinct contrast, the specification describes examples of “marketing attributes” to include “marketing campaigns and features in merchandising marketing, scheduling of objects to be displayed, behavior-driven targeting of marketing material to a user and profile-driven targeting of the marketing material to a user” (page 16) These are things for which a marketing container may be used, or for determining which marketing objects to place in a marketing container, etc., (e.g., see the bottom of page 15). The “marketing text” and “marketing picture” cited by the Examiner clearly fall within the examples of marketing objects placed in a marketing container and not with examples of marketing attributes.

In addition, the marketing text and marketing picture cited by the examiner lack the functionality of marketing attributes as described in the specification. Examples of the functionality of marketing attributes are provided on page 15, which states “marketing attributes ... describe, for example, what marketing objects can be received by the marketing object container, the relationship of a particular marketing object container to other marketing object containers, or the timing or priority of the display of marketing object.” The marketing text and marketing picture taught in Gever are not taught to have any of this functionality.

It appears to be the Examiner’s view that since “ad banner” is listed on page 16 of the specification as one example of “marketing campaigns and features,” that an ad banner is a marketing attribute. However, the fact that one function of a marketing attribute may be to determine which marketing objects may be associated with a marketing object container (page 15) does not imply that the marketing objects are

themselves marketing attributes. For example, the Examiner is directed to page 16 line 3, wherein one example of a marketing attribute is given as “marketing campaigns and features in merchandising marketing.” Following, examples of “marketing campaigns and features” are described to include: ad banner, catalog promotion, weekly promotion, etc. The ad banner, and the other examples listed, are types of marketing campaigns that may be including in marketing attributes associated with a marketing object container. Reading these definitions in light of each other it is clear that ad banner, catalog promotion, weekly promotion, etc., listed on page 16 of the specification, are in fact ad banner marketing campaigns, catalog promotion marketing campaigns, and weekly promotion marketing campaigns, etc., and *not* a picture or text as suggest by the Examiner. A specific picture, even if used for marketing purposes, is not a type of marketing campaign.

The Examiner also responds to the Applicants’ previous arguments by pointing to the “scheduling of objects to be displayed” as taught by item 42 in FIG. 3 of Gever. The Examiner equates this teaching with the “scheduling of objects to be displayed” which is given as an example of a marketing attribute on page 16 of the specification. However, these are not equivalent. The marketing attribute determines scheduling of a marketing object container. Because this scheduling is of the marketing object container, this scheduling is independent of the actual objects placed in the container. In contrast, the scheduling of Gever is associated with a specific object (animation sequence) and is specific to that object – not a marketing object container. Thus, while Gever teaches scheduling within a marketing object it does not teach scheduling of a marketing

container, wherein the scheduling of the marketing object container is independent of objects placed within that particular marketing object container.

Regarding Claims 2, 3, 5, 6, 8, 12, 14, 17, and 19:

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Claims 2, 3, 5, 6, 8, 12, 14, 15, 17 and 19 are dependent on Claim 1 and, therefore, allowance is requested on the essentially the same bases as Claim 1.

Regarding Claim 4:

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Claim 4 is dependent on Claim 1 and, therefore, allowance is requested on essentially the same basis as Claim 1. In addition, in discussing Claim 4 on page 4 of the office action, the Examiner cites “Picture control 50...” as teaching “presenting a plurality of marketing objects that are compatible with the selected attribute.” The applicants respectively point out that the control shown does not describe compatibility with a selected marketing attribute that is associated with the marketing object container. The applicants, therefore, request that this rejection be withdrawn, or that the Examiner provide further support for the rejection.

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Regarding Claim 7:

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Claim 7 is dependent on Claim 1 and, therefore, allowance is requested on essentially the same basis as Claim 1. In addition, in rejecting Claim 7, the Examiner cites teachings of Gever that include associating a picture with a storage location and a web page component. However, what is claimed is “associating an item with the *marketing attribute*” (emphasis added). The Applicants respectfully request that the examiner cite association with a marketing attribute as defined in the specification or withdraw this rejection.

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Regarding Claims 10-11:

Claims 10-11 are dependent on Claims 1 and 9 and, therefore, allowance is
5 requested on the essentially same bases as Claims 1 and 9.

Regarding Claim 16:

Claim 16 is dependent on Claim 1 and, therefore, allowance is requested on
10 essentially the same basis as Claim 1. In addition, in rejecting Claim 16, the Examiner
cites teachings of Gever wherein a component of a web page is displayed differently to
visitors at different times. The Applicants respectfully point out that what is claimed is
“wherein the marketing attribute *determines which of the selected marketing objects is*
associated with the marketing object container at a particular time” (emphasis added).
15 Thus, Gever includes components of a web page, which are presumably always associate
with that web page but just displayed differently at different times. In contrast, in the
claimed invention it is the actual association that is determined. Further, the text cited by
the Examiner does not include a “marketing attribute” configured to determine
“association” (rather than mere display).

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Regarding Claim 18:

Claim 18 is dependent on claims 16 and 1, and, therefore, allowance is requested
on essentially the same bases as Claims 1 and 16. Claim 18 recites “wherein the selected
25 marketing objects are inserted in the marketing object container based on a second
marketing object of a second marketing object container.” In rejecting this claim the
Examiner cites Gever’s use of links to populate web pages (Gaver col. 9, lines 37-42) and
also customization of a web site responsive to the identity of a referring client as taught in

TOBIN. However, the Applicants respectfully point out that in neither of these cases is the object on which the insertion is dependent a “second marketing object of a second marketing object container.” In Gever the insertion is just dependent on a link to an address of a file or other content, and in Tobin the object on which the insertion is dependent is the identity of a network site. The Applicants respectfully request that the Examiner provide reasons for equating a “second marketing object of a second marketing object container” with the cited elements or withdraw the rejection.

Regarding Claim 20:

Claim 20 is dependent on claim 1, and, therefore, allowance is requested on essentially the same basis as Claims 1. Claim 20 recites “wherein the at least one marketing object is to be associated with the marketing object container based on a second marketing object of another marketing object container. In rejecting claim 20 the Examiner cites the same prior art as in the rejection of claim 18. The remarks made by the Applicants above with regard to claim 18 also generally apply to claim 20, and the Applicants, therefore, request that the rejection be withdrawn.

Regarding Claim 21:

Independent Claim 21 recites “associating a marketing attribute with the marketing container, the marketing attribute including parameters that define how the marketing object container can be used in a marketing presentation.” In addressing these limitations, the Examiner cites the same sections of Gever cited in reference to Claim 1. The arguments made above with regard to Claim 1, therefore, also generally apply to Claim 21. The Applicant again respectfully points out that Gever is misquoting Gever in

the current office action. Gever teaches “user assigns conditional values **to** attributes” not “user assigns conditional values **or** attributes” as suggested by the Examiner. In addition, Claim 21 includes the limitations “the marketing attribute including parameters that define how the marketing object container can be used in a marketing presentation” which are not found in Claim 1. The Examiner does not address these further limitations. The Applicant requests that the Examiner show that these limitations are anticipated, or withdraw the rejection.

Claim 21 further recites “displaying the marketing object in the marketing object container in accordance with the parameters of the marketing attribute.” The Examiner suggests that these limitations are taught by Gever at col. 4, lines 30-32 and quotes the included text, “...evaluated when the Web page component is viewed. Preferably, changing one or more attributes including adding conditional flow directives to the animation sequence...” However, the Applicants respectfully point out that what is taught in this section of Gever is “changing one or more of the attributes of the animation sequence includes assigning to at least one of the one or more attributes a plurality of values which are respectively chosen responsive to a condition evaluated when the Web page component is viewed.” The conditional selection of values at the time the Web page is viewed does not necessarily imply that a marketing object is displayed in accordance with the parameters of the marketing attribute, the marketing attribute being associated with the marketing object container. Also, the elements in Gever, to which the display of the Web page is responsive, are associated with the object displayed within the web page and rather than being associated with the marketing object container as recited in the claim. The Applicants are not able to find any teaching in Gever that the

conditional flow directives, the animation sequence, or other element to which display of the Web page is responsive, are associated with the marketing object container, regardless of whether or not these elements are marketing attributes. On these bases the Applicants request that the Examiner withdraw the rejection.

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Regarding Claim 22:

Independent Claim 22 is rejected by the Examiner under §102(e) without comment. The Applicants respectfully request that the Examiner provide support for this
10 rejection or withdraw the rejection.

Independent Claim 22 is also rejected by the Examiner under §103 as being unpatentable over Peckover in view of Gever. In making this rejection the Examiner states that “*the ‘market’ described by PECKOVER meets the ‘broadest reasonable interpretation of campaign, even though identical terminology was not employed*”
15 (emphasis in original). The rejection is dependent on this assumption. The Applicants, therefore, respectfully request that the Examiner provide support for what the Applicants feel is an improperly broad interpretation of “campaign,” or withdraw the rejection.

Regarding Claims 23-24:
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The comments with regard to Claim 1 also essentially apply to independent Claims 23-24. The Applicants, therefore, request allowance on essentially same basis as Claim 1.

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Regarding New Claim 26-33:

New claims 26-33 are added in order to identify subject matter that the Examiner would consider allowable. Claims 26-33 are dependent on, and therefore, narrower than
5 amended Claim 1.

New claim 26 recites “wherein the marketing attribute is configured to describe a relationship of the first marketing object container with a second marketing object container.” Support for this claim is found, for example, on page 15 of the specification as filed.

10 New claim 27 recites “wherein the marketing attribute is configured to describe what objects can be associated with the first marketing object container.” Support for this claim is found, for example, on page 15 of the specification as filed.

New claim 28 recites “wherein the marketing attribute is configured to describe timing and priority of the display of marketing objects to be associated with the first
15 marketing object container.” Support for this claim is found, for example, on pages 15 and 16 of the specification as filed.

New claim 29 recites “wherein the timing is on a daily, weekly, monthly or holiday basis.” Support for this claim is found, for example, on pages 16 and 17 of the specification as filed.

20 New claim 30 recites “wherein the marketing attribute includes a marketing campaign.” Support for this claim is found, for example, on page 16 of the specification as filed.

New claim 31 recites “wherein the marketing campaign includes a banner ad campaign.” Support for this claim is found, for example, on page 16 of the specification as filed.

5 New claim 32 recites “wherein the marketing campaign includes a cross sell campaign, event promotion campaign, holiday promotion campaign, weekly promotion campaign, up-sell campaign, or new product introduction campaign.” Support for this claim is found, for example, on pages 16 and 17 of the specification as filed.

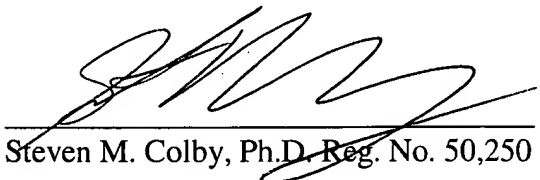
10 New claim 33 recites “wherein the marketing attribute is associated with the marketing object container prior to selecting at least one marketing object for being associated with the first marketing object container.” Support for this claim is found, for example, on page 18 of the specification as filed.

Applicants believe that all pending claims are allowable and respectfully request that the Examiner issue a Notice of Allowance. Should the Examiner have questions, the Applicants' undersigned attorney may be reached at the number provided.

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Respectfully submitted,
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10 Date: September 15, 2003



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